

### **REMARKS/ARGUMENTS**

Reexamination and reconsideration of this application, withdrawal of the rejection, and formal notification of the allowability of all claims as now presented are earnestly solicited in light of the remarks that follow. Claims 1-37 are pending in the application. Claims 22-37 have been withdrawn by the Examiner as directed to non-elected species. Accordingly, claims 1-21 were examined in the previous Office Action.

In the section confirming Applicants' election of species, the Examiner alleges that Applicants attempted to traverse the election based on the ground that the species "are not distinct." This is inaccurate. Applicants did not traverse on the ground that the species were not distinct. Rather, Applicants noted in the last response that a combined search and examination of all claims can be conducted without serious burden to the Examiner. In particular, Applicants noted that claims 1-22 were originally claimed in the application and Applicants have already received two Office Actions on the merits that address patentability of those claims. Thus, it is not seen how a serious burden would be presented to the Examiner to continue to examine claim 22 with claims 1-21. Additionally, one action on the merits was also received on original claims 29-37. Presumably all of these claims were fully searched and examined prior to the last Office Action. In light of the foregoing, Applicants traversed the election of species requirements. Applicants also noted that Group C identified by the Examiner has a genus/species relationship with the Group A claims, and noted that it appeared that such claims should be examined with Group A.

Claims 1-21 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite. The Examiner alleges that the use of the terms "first" and "second" in claims 1-3 is inconsistent and confusing. Applicants respectfully traverse this rejection.

Although Applicants note that the Examiner has helpfully suggested an alternative approach to claiming the various regions of the compartment, Applicants respectfully request reconsideration and withdrawal of the rejection without requiring amendment. Applicants note that the specification uses the same terminology and Applicants would prefer to retain

consistency between the claims and the manner in which the claimed subject matter is described in the specification.

Applicants respectfully submit that the claims should be viewed as clear without further modification. The Examiner indicates that the use of the terms “first” and “second” have become “meaningless”, apparently because such terms are typically used to “describe the order of arrangement.” Applicants understand the Examiner’s position to be that the two “first” elements should be arranged adjacent to one another and the two “second” elements should be arranged together.

Although the Examiner’s assertion regarding the typical use of these terms may be true, Applicants respectfully submit that there is no requirement that the terms “first” and “second” be used in this manner. There is nothing inherently confusing about claims 1-3. The claims clearly and appropriately describe the relative placement of the first section of filter material and the second section of filter material. The claims also very clearly describe the relative position of the first region of the compartment and the second region of the compartment. The fact that the first region of the compartment can be located adjacent to either the first section of filter material or the second section of filter material, as set forth in claims 2 and 3, does not render indefinite the subject matter of these claims. Claim 1 does not specify the relative position of the first and second region of the compartment. Accordingly, there is nothing confusing about the different placements of the two regions in claims 2 and 3. All three claims are completely consistent and clear and one of ordinary skill in the art would not be confused by the terminology as presented. In light of the foregoing, Applicants respectfully request reconsideration and withdrawal of this rejection.

Claims 1-3, 5-17, 19, 20, and 21 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 3,079,962 to Litchfield *et al.* in view of U.S. Patent No. 3,279,476 to Noznick *et al.*, U.S. Patent No. 3,251,365 to Keith, II, and U.S. Patent No. 3,459,194 to Eichel. The Examiner also rejects claim 4 as unpatentable over the above-noted combination of references, and further in view of an encyclopedia reference. Claim 18 stands rejected over the above-noted combination of references and further in view of U.S. Patent No. 5,714,126 to Frund. In all three rejections, the Examiner relies upon the Litchfield reference as

disclosing a multi-component cigarette filter that has two conventional filter plugs and a chamber therebetween that is split into two compartments. The Examiner relies upon the Keith reference as disclosing that cellulose acetate filters do not remove all harmful constituents of tobacco smoke and suggesting the use of activated charcoal. The Noznick patent is relied upon as disclosing granular filtering agents. The Eichel patent is relied upon as describing the use of anionic exchange resins to filter tobacco smoke. Applicants respectfully traverse these rejections.

Applicants note that independent claim 1 recites that the first section of filter material has a greater particulate removal efficiency than the second section of filter material. In other words, the section of filter material positioned proximal to the tobacco rod has greater particulate removal efficiency as compared to the filter material positioned distal from the tobacco rod (e.g., at the mouth end of the filter element). The Examiner is silent as to which reference cited against the pending claims could be viewed as teaching or suggesting such a limitation.

The Examiner admits that the Litchfield reference fails to disclose the use of fibrous tow filter materials, such as cellulose acetate filter materials. However, the Examiner relies upon the Keith reference as disclosing the use of cellulose acetate filters. However, none of the references relied upon by the Examiner teach or suggest the use of multiple sections of filter material having different degrees of particulate removal efficiency. As noted above, the Litchfield reference is not even directed to fibrous tow filter materials of any kind. The Keith reference does not teach or suggest the use of fibrous tow filter materials having different particulate removal efficiencies in the same filter. Instead, the reference clearly suggests using the same filter plug materials for both plugs 15 and 16 (see column 4, lines 18-25). Note that in the example in column 6, identical plasticized cellulose acetate filter plugs were utilized in the exemplary cigarettes (column 6, lines 39-45). The Noznick and Eichel patents also fail to teach or suggest anything remotely relevant to the invention claimed herein, as neither describe a filter comprising two separate fibrous tow filter material sections having different degrees of particulate removal efficiency. For at least the reasons outlined above, Applicants respectfully request reconsideration and withdrawal of all rejections relying upon the above-noted references.

Appl. No.: 10/675,937  
Amdt. dated July 19, 2007  
Reply to Office Action of March 19, 2007

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

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ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE UNITED STATES PATENT & TRADEMARK OFFICE ON JULY 19, 2007.